IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY SEVENTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9628 of 2005

Between:

Shaik Majeeduddin S/o Shaik Fareeduddin
R/o H.No. 23-1-988, Moghalpura, Hyderabad

..... PETITIONER

AND

1 The Mandal Revenue Officer, Cheryal Mandal, Warangal District
2 The Revenue Divisional Officer, Janagaon, Warangal District
3 The Collector, Warangal District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction in the nature of Mandamus, declaring the action of the respondent authorities in not passing orders on the representations made on 19/20-6-2001 to the 2nd respondent 12-5-2003 and 27-11-2004 to the 3rd respondent having received the report from the 1st respondent as being illegal, arbitrary not only amounts to derliction of duty but also contrary to the provisions of the A.P. Right in land and pattadar pass book Act 1971.

Counsel for the Petitioner:MR.SYED SHAREEF AHMED

Counsel for the Respondents: GP FOR REVENUE

This Court at the admission stage made the following:

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9628 OF 2005

ORDER :

The petitioner claims to be the owner of the land to an extent of Ac.12-27 guntas situated in Sy.No.984 of Cheryal Village and Mandal, Warangal District, having purchased the same under a Registered Sale Deed along with another person by name Mohd. Mahaboob Sharief. It is stated that though the legal heirs of their vendor filed O.S.No.90 of 1985 on the file of the Sub-Court, Jangaon making a claim in respect of the said land, the said suit was dismissed on 15-7-1998 as not pressed. Thereafter, the petitioner made representations on 5-9-1998 and 26-5-2001 requesting the 1st respondent – Mandal Revenue Officer to correct the entries in the Record of Rights by including their names. There was no response and subsequently the petitioner made a representation on 19/20-6-2001 to the 2nd respondent as well as the representations dated 12-5-2003 and 27-11-2004 before the 3rd respondent – District Collector, Warangal to issue necessary instructions to the 1st respondent – Mandal Revenue Officer to take the necessary action under

Section 4 of the A.P. Rights in Land and Pattadar Pass Books Act, 1971 (for short, 'the Act'). The said representation was received in the office of the 3rd respondent on 27-11-2004 itself and the copies of the same were also marked to the respondents 1 and 2 herein. However, they failed to take any action as required under law. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary and illegal.

I have heard the learned Counsel for the petitioner as well as the learned Government Pleader for Revenue appearing for the respondents and perused the material on record.

The learned Government Pleader submits that since the application made by the petitioner dated 27-11-2004 is pending before the respondents, the same will be considered and the necessary action will be taken in accordance with law.

Accordingly, the Writ Petition is disposed of with a direction to the respondents to consider the applications of the petitioner dated 19/20-6-2001, 12-5-2003 and 27-11-2004 and to take necessary action in accordance with law following the due procedure prescribed under the provisions of the A.P. Rights in Land and Pattadar Pass Books Act, 1971. Such exercise shall be completed expeditiously within a period of three months from the date of receipt of this order. No order as to costs.

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27th April, 2005.

ghn

To

1 The Mandal Revenue Officer, Cheryal Mandal, Warangal District
2 The Revenue Divisional Officer, Janagaon, Warangal District
3 The Collector, Warangal District

4 Two CCs to the Government Pleader for Revenue, High Court of A.P., Hyderabad. (O.U.T.)

5 Two CD copies.